DISTRIBUTED
JUL 23 1990

ORIGINAL

(3)

89-1771
NO.

IN THE

Supreme Court of the United States

STATE OF NORTH CAROLINA;
ATTORNEY GENERAL OF NORTH CAROLINA,

Petitioners,

v.

SAINT LUKE GREGORY, JR.,

Respondent.

SUPPLEMENTAL BRIEF OF RESPONDENT

James Riley Parish
Attorney for Respondent
P.O. Drawer 1624
Fayetteville, NC 28302
(919) 483-7680

BEST AVAILABLE COPY

SUPPLEMENTAL BRIEF OF RESPONDENT

The above named Respondent does hereby request the Court, Pursuant to Rule 22.6 of the Revised Rules of the Supreme Court of the United States, to file this Supplemental Brief calling the attention of the Court to its recently decided opinion in Idaho vs Laura Lee Wright, 89-260, decided June 27, 1990, 47 CrL 2250. In the recently decided case of Idaho vs Wright, Id., the Court held that "particularized guarantees of trustworthiness must be shown from the totality of the circumstances, but we think the relevant circumstances include only those that surround the making of the statement and that render the declarant particularly worthy of belief" at 47 CrL 2253. The holding of the Court is dispositive against this state's petition for writ of certiorari now pending before the Court.

The state takes issue with the Fourth Circuit's holding that a hearsay statement wholly devoid of any contemporaneous objective corroborative evidence is inadmissable as being violative of the Defendant's rights under the confrontation clause as the hearsay statement lacks the sufficient particularized guarantee of trustworthiness required by Ohio vs Roberts, 488 U.S. 56 (1980).

CONCLUSION

For the reasons noted in the brief in opposition and the recent case decided in this supplemental brief, the Court should not grant the State's Petition for Writ of Certiorari.

This the 17th day of July, 1990.

James Riley Parish
Attorney for Respondent
343 Person St./P.O. Drawer 1824
Fayetteville, NC 28302
Telephone: (919) 483-7680

CERTIFICATE OF SERVICE

The undersigned counsel for the above-named Respondent hereby certifies that a copy of the above was delivered to Richard N. League, Special Deputy Attorney General, P.O. Box 629, Raleigh, North Carolina, 27602 (919) 733-3109.

This the 17 day of July, 1990.

James R. Parish
Attorney for Respondent